

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:19-cv-04381-LMM**

Foote v. Car Protection USA et al  
Assigned to: Judge Leigh Martin May  
Cause: 47:0227 Telephone Consumer Protection Act

Date Filed: 09/29/2019  
Date Terminated: 04/30/2020  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Paula Foote**  
*individually and on behalf of others similarly  
situated*

represented by **Andrew W. Heidarpour**  
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V.

**Defendant**

**Car Protection USA**  
*doing business as*  
Clear Path

represented by **Gregory M. Caffas**  
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**Defendant**

**John Davis**

represented by **Gregory M. Caffas**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Joseph P. Bowser**  
(See above for address)  
*LEAD ATTORNEY*  
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**Benjamin I. Fink**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Matrix Warranty Solutions, Inc. d/b/a  
Element Protection**

represented by **Gregory M. Caffas**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Joseph P. Bowser**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Benjamin I. Fink**

Date Filed	#	Docket Text
09/29/2019	<u>I 1</u>	CLASS ACTION COMPLAINT with Jury Demand filed by Paula Foote. (Filing fee \$400.00, receipt number AGANDC-8968607) (Attachments: # <u>1</u> Civil Cover Sheet)(eop) Please visit our website at <a href="http://www.gand.uscourts.gov/commonly-used-forms">http://www.gand.uscourts.gov/commonly-used-forms</a> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. Modified text on 10/1/2019 (eop). (Entered: 10/01/2019)
09/30/2019	<u>I 2</u>	Electronic Summons Issued as to Car Protection USA (Clear Path; c/o registered agent- Thomas Rothstein). (eop) Modified text on 10/1/2019 (eop). (Entered: 10/01/2019)
09/30/2019	<u>I 3</u>	Electronic Summons Issued as to Car Protection USA (c/o registered agent: Robert Hill). (eop) (Entered: 10/01/2019)
09/30/2019	<u>I 4</u>	Electronic Summons Issued as to John Davis. (eop) (Entered: 10/01/2019)
10/08/2019	<u>I 5</u>	APPLICATION for Admission of ANTHONY PARONICH Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8989498). Documents for this entry are not available for viewing outside the courthouse.by Paula Foote. (Koval, Steven) (Entered: 10/08/2019)
10/09/2019	<u>I 6</u>	STANDING ORDER REGARDING CIVIL LITIGATION Signed by Judge Leigh Martin May on 10/9/2019. (tmf) (Entered: 10/09/2019)
10/11/2019	<u>I 7</u>	Return of Service Executed by Paula Foote. Car Protection USA served on 10/7/2019, answer due 10/28/2019. (Paronich, Anthony) (Entered: 10/11/2019)
10/11/2019	<u>I 8</u>	Return of Service Executed by Paula Foote. John Davis served on 10/7/2019, answer due 10/28/2019. (Paronich, Anthony) (Entered: 10/11/2019)
10/11/2019	<u>I</u>	APPROVAL by Clerks Office re: <u>5</u> APPLICATION for Admission of ANTHONY PARONICH Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-8989498). Documents for this entry are not available for viewing outside the courthouse.. Attorney Anthony Paronich added appearing on behalf of Paula Foote (pmb) (Entered: 10/11/2019)
10/14/2019	<u>I</u>	ORAL ORDER granting <u>5</u> Application for Admission Pro Hac Vice as to Anthony Paronich. Approved by by Judge Leigh Martin May on 10/14/2019. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at <a href="http://pacer.gov">http://pacer.gov</a> . If they have electronically filed in this district in a previous case, please omit this step.(rvb) (Entered: 10/14/2019)
11/13/2019	<u>I 9</u>	MOTION to Amend <u>1</u> Complaint, with Brief In Support by Paula Foote. (Attachments: # <u>1</u> Exhibit 1 --- Proposed First Amended Complaint)(Paronich, Anthony) (Entered: 11/13/2019)
12/02/2019	<u>I</u>	Submission of <u>9</u> MOTION to Amend <u>1</u> Complaint, , to District Judge Leigh Martin May. (tmf) (Entered: 12/02/2019)
12/03/2019	<u>I 10</u>	ORDER: This case comes before the Court on Plaintiff's Motion to Amend the Complaint <u>9</u> . Plaintiff wishes to add another Defendant. As Defendants did not file a response, Defendants do not oppose this motion. See LR 7.1B, NDGa. For good cause shown, Plaintiff's Motion is GRANTED. See Fed. R. Civ. P. 15(a)(2). Plaintiff is DIRECTED to file the Amended Complaint included in this Motion, see Dkt. No. [ <u>9</u> -1], on the docket within seven (7) days of the entry of this Order. Signed by Judge Leigh Martin May on 12/3/2019. (tmf) (Entered: 12/03/2019)
12/03/2019	<u>I 11</u>	

First AMENDED COMPLAINT against Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection with Jury Demand filed by Paula Foote.(Paronich, Anthony) Please visit our website at <http://www.gand.uscourts.gov/commonly-used-forms> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 12/03/2019)

12/04/2019	<u>12</u>	MOTION for Discovery to <i>Commence Limited Discovery to Avoid the Destruction of Records that Identify Putative Class Members</i> with Brief In Support by Paula Foote. (Attachments: # <u>1</u> Exhibit 1 --- Department of Justice Chart of Retention Periods of Telecommunications Providers, # <u>2</u> Exhibit 2 --- E-mail Correspondence with John Davis, # <u>3</u> Text of Proposed Order)(Paronich, Anthony) (Entered: 12/04/2019)
12/05/2019	<u>13</u>	WAIVER OF SERVICE Returned Executed by Paula Foote. Matrix Warranty Solutions, Inc. d/b/a Element Protection waiver mailed on 12/3/2019, answer due 2/3/2020. (Paronich, Anthony) (Entered: 12/05/2019)
12/12/2019	<u>14</u>	APPLICATION for Admission of Andrew Heidarpour Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9173822). Documents for this entry are not available for viewing outside the courthouse.by Paula Foote. (Koval, Steven) (Entered: 12/12/2019)
12/19/2019	<u>14</u>	APPROVAL by Clerks Office re: <u>14</u> APPLICATION for Admission of Andrew Heidarpour Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9173822). Documents for this entry are not available for viewing outside the courthouse.. Attorney Andrew W. Heidarpour added appearing on behalf of Paula Foote (pmb) (Entered: 12/19/2019)
12/20/2019	<u>14</u>	ORAL ORDER granting <u>14</u> Application for Admission Pro Hac Vice as to Andrew Heidarpour. Approved by Judge Leigh Martin May on 12/20/2019. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at <a href="http://pacer.gov">http://pacer.gov</a> . If they have electronically filed in this district in a previous case, please omit this step.(rvb) (Entered: 12/20/2019)
12/23/2019	<u>14</u>	Submission of <u>12</u> MOTION for Discovery to <i>Commence Limited Discovery to Avoid the Destruction of Records that Identify Putative Class Members</i> , to District Judge Leigh Martin May. (rlb) (Entered: 12/23/2019)
01/06/2020	<u>15</u>	ORDER GRANTING <u>12</u> Motion to Commence Limited Discovery to allow the Plaintiff to serve discovery on any individual or entity that may have information that could identify putative class members. Signed by Judge Leigh Martin May on 1/6/20. (jpa) (Entered: 01/06/2020)
02/03/2020	<u>16</u>	MOTION to Dismiss <i>for Lack of Personal Jurisdiction</i> with Brief In Support by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Attachments: # <u>1</u> Brief, # <u>2</u> Affidavit Exhibit 1: Tuerk Declaration, # <u>3</u> Affidavit Exhibit 2: Davis Declaration)(Fink, Benjamin) (Entered: 02/03/2020)
02/03/2020	<u>17</u>	MOTION to Stay <i>Discovery Pending Ruling on Dkt. 16</i> with Brief In Support by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit 1: Discovery to Davis, # <u>3</u> Exhibit 2: Discovery to Matrix)(Fink, Benjamin) (Entered: 02/03/2020)
02/05/2020	<u>18</u>	Corporate Disclosure Statement by Matrix Warranty Solutions, Inc. d/b/a Element Protection by Matrix Warranty Solutions, Inc. d/b/a Element Protection.(Fink, Benjamin) (Entered: 02/05/2020)
02/05/2020	<u>19</u>	APPLICATION for Admission of Gregory M. Caffas Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9339865).by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Fink, Benjamin) <b>Documents for this entry are not available for viewing outside the courthouse.</b> (Entered: 02/05/2020)

02/05/2020	<u>120</u>	APPLICATION for Admission of Joseph P. Bowser Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9339882).by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Fink, Benjamin) Documents for this entry are not available for viewing outside the courthouse. (Entered: 02/05/2020)
02/06/2020	<u>1</u>	Clerks Notation re <u>18</u> Corporate Disclosure Statement, reviewed and approved by LMM. (rvb) (Entered: 02/06/2020)
02/07/2020	<u>21</u>	Notice for Leave of Absence for the following date(s): February 14-17, March 16-18, March 27, April 6-13, May 11-12, by Benjamin I. Fink. (Fink, Benjamin) (Entered: 02/07/2020)
02/12/2020	<u>1</u>	APPROVAL by Clerks Office re: <u>19</u> APPLICATION for Admission of Gregory M. Caffas Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9339865). Attorney Benjamin I. Fink added appearing on behalf of Car Protection USA (jkm) (Entered: 02/12/2020)
02/12/2020	<u>1</u>	APPROVAL by Clerks Office re: <u>19</u> APPLICATION for Admission of Gregory M. Caffas Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9339865). Attorney Gregory M. Caffas added appearing on behalf of Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection (cdg) (Entered: 02/12/2020)
02/12/2020	<u>1</u>	APPROVAL by Clerks Office re: <u>20</u> APPLICATION for Admission of Joseph P. Bowser Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9339882). Attorney Benjamin I. Fink added appearing on behalf of Car Protection USA et al (jkm) (Entered: 02/12/2020)
02/12/2020	<u>1</u>	APPROVAL by Clerks Office re: <u>20</u> APPLICATION for Admission of Joseph P. Bowser Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-9339882). Attorney Joseph P. Bowser added appearing on behalf of Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection (cdg) (Entered: 02/12/2020)
02/12/2020	<u>1</u>	ORAL ORDER granting <u>19</u> Application for Admission Pro Hac Vice as to Gregory M. Caffas ; granting <u>20</u> Application for Admission Pro Hac Vice as to Joseph P. Bowser. Approved by Judge Leigh Martin May on 02/12/2020. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at <a href="http://pacer.gov">http://pacer.gov</a> . If they have electronically filed in this district in a previous case, please omit this step.(rvb) (Entered: 02/12/2020)
02/12/2020	<u>22</u>	RESPONSE in Opposition re <u>16</u> MOTION to Dismiss <i>for Lack of Personal Jurisdiction</i> filed by Paula Foote. (Attachments: # <u>1</u> Exhibit 1 — Sample Matrix Warranty Vehicle Service Contract, # <u>2</u> Exhibit 2 — Affidavit of Andrew Perrong)(Paronich, Anthony) (Entered: 02/12/2020)
02/12/2020	<u>23</u>	RESPONSE in Opposition re <u>17</u> MOTION to Stay <i>Discovery Pending Ruling on Dkt. 16</i> filed by Paula Foote. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Andrew Perrong, # <u>2</u> Exhibit 2 — E-mail Correspondence Regarding Preservation by Car Protection USA)(Paronich, Anthony) (Entered: 02/12/2020)
02/26/2020	<u>24</u>	REPLY BRIEF re <u>16</u> MOTION to Dismiss <i>for Lack of Personal Jurisdiction</i> filed by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Attachments: # <u>1</u> Exhibit 1: Amended Counterclaims, # <u>2</u> Exhibit 2: Response to Motion to Quash Subpoena)(Fink, Benjamin) (Entered: 02/26/2020)
02/26/2020	<u>25</u>	REPLY BRIEF re <u>17</u> MOTION to Stay <i>Discovery Pending Ruling on Dkt. 16</i> filed by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Attachments: # <u>1</u> Exhibit 1: Declaration of Joseph P. Bowser)(Fink, Benjamin) (Entered: 02/26/2020)
02/27/2020	<u>1</u>	Submission of <u>16</u> MOTION to Dismiss <i>for Lack of Personal Jurisdiction</i> , <u>17</u> MOTION to Stay <i>Discovery Pending Ruling on Dkt. 16</i> , to District Judge Leigh Martin May. (adg) (Entered: 02/27/2020)

03/04/2020	<u>1</u> <u>26</u>	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Attachments: # <u>1</u> Supplement Statement to Section 4 Explaining Defendants' Jurisdictional Objections)(Fink, Benjamin) (Entered: 03/04/2020)
03/12/2020	<u>1</u> <u>27</u>	ORDER: Defendants' Motion to Dismiss <u>16</u> is DENIED without prejudice with the right to refile at the conclusion of the limited discovery period. Defendants' Motion to Stay Discovery <u>17</u> is GRANTED IN PART. Signed by Judge Leigh Martin May on 3/12/2020. (tmf) (Entered: 03/12/2020)
03/20/2020	<u>1</u> <u>29</u>	General Order 20–01 re: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/16/2020. (tmf) (Entered: 03/24/2020)
03/24/2020	<u>1</u> <u>28</u>	SCHEDULING ORDER: re: <u>26</u> Joint Preliminary Report and Discovery Plan, Signed by Judge Leigh Martin May on 3/24/2020. (tmf) (Entered: 03/24/2020)
03/27/2020	<u>1</u> <u>30</u>	CERTIFICATE OF SERVICE by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection.(Fink, Benjamin) (Entered: 03/27/2020)
04/02/2020	<u>1</u> <u>31</u>	Amended General Order 20–01 re COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/30/20. (aaq) (ADI) (Entered: 04/02/2020)
04/15/2020	<u>1</u> <u>32</u>	CERTIFICATE OF SERVICE by John Davis.(Caffas, Gregory) (Entered: 04/15/2020)
04/29/2020	<u>1</u> <u>33</u>	Joint MOTION to Transfer Case to N.D.Texas by Car Protection USA, John Davis, Matrix Warranty Solutions, Inc. d/b/a Element Protection. (Attachments: # <u>1</u> Text of Proposed Order)(Caffas, Gregory) (Entered: 04/29/2020)
04/30/2020	<u>1</u> <u>34</u>	ORDER granting <u>33</u> Motion to Transfer Case. The Court hereby transfers this case to the United States District Court for the Northern District of Texas, Dallas Division, and directs the Clerk of the Court to effectuate the transfer. Signed by Judge Leigh Martin May on 4/30/2020. (tmf) (Entered: 04/30/2020)
04/30/2020	<u>I</u>	Civil Case Terminated. (tmf) (Entered: 04/30/2020)